



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting  
July 19, 2011**

The Delaware Thoroughbred Racing Commission held a regular meeting on Tuesday, July 19, 2011, at 10:00 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

**The following Commission members were present:**

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

**The following individuals also were present:**

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Bessie Gruwell, DTHA, Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, Owner/Trainer, DTHA President
John E. Mooney, Delaware Park, Executive Director of Racing
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Heriberto Rivera, Jr., Jockey's Guild Board Member
Joseph Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

**1. WELCOME & CALL TO ORDER**

At 10:00 a.m., Chairman Daney called the meeting to order and welcomed those in attendance.

Chairman Daney thanked everyone involved, from the hot walkers and groom to the executives, for a successful Delaware Handicap held July 16, 2011.

**2. APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Decker) minutes of June 21, 2011 were approved as submitted.

**3. OLD BUSINESS**

None offered.

#### 4. **NEW BUSINESS**

##### A. **Drug Testing Standards & Practices (DTSP) – July 20, 2011 Conference Call**

Secretary/Commissioner Patterson discussed items scheduled for discussion during tomorrow's (07/20/2011) DTSP conference call.

- 1.) Phenylbutazone/Oxyphenbutazone reduced to 2 micrograms per milliliter – what they (ARCI/DTSP) didn't do was to pass a penalty phase. Same penalty we have now reduced from 5 to 2.

Needs input on this model rule because it is to include penalty for the owner.

- First offense is a minimum fine of \$250.00.
- There isn't a penalty for the Owner in any of those 365 day periods.
- However, if the amount over exceeds 5 milliliters, 2<sup>nd</sup> offense greater than 5 the horse is placed on vets list for 45 days. 3<sup>rd</sup> offense the Owner is fined \$5,000.00.

Question: Is it following the horse? Secretary/Commissioner Patterson replied it follows the trainer regardless. Per Chief State Steward Houghton, there is no graduation in consideration of the amount of the overage.

- 2.) Two other items being discussed tomorrow are the two "designer drugs" detected in Oklahoma; Methylenedioxypyrovalerone (MDPV) and related analogues (Bath Salts), Dermorphin, as well as synthetic cannabinoids.

Methylenedioxypyrovalerone (MDPV) and related analogues have recently been found in post-race tests conducted in several racing jurisdictions. These "designer drug" substances are psychoactive with stimulant properties and have been marketed in North America as "bath salts."

Dermorphin is a hepta-peptide that is a natural opiate that is more potent than morphine, but less likely to produce addiction. Dermorphin has been prohibited in racing and the committee's action will result in it being itemized in the RCI Uniform Classification for Foreign Substances schedule. Racing investigators have discovered vials of this substance and testing labs have been put on notice.

**B. Rule Change – Steroid Rule in Blood**

Mr. Joseph Strug, laboratory director of Dalare Associates, Inc., recommended that the DTRC adopt a steroid rule for scanning in blood – he noted that the DTRC rule currently is for scanning urine samples. Mr. Strug recommended the detection level of 100 picograms in blood (citing the recent rule change adopted by the DHRC). Mr. Strug recommended doing away with the procedure of scanning urine for anabolic and androgenic steroids altogether.

Commission Counsel, Mr. Andrew Kerber, will review and proposed language will be presented for commission vote at the next meeting, scheduled for August 16, 2011.

Timing:           August 16 commission vote on proposed  
                      September 1 proposed language published (open for 30 days)  
                      October 18 DTRC commission vote for final publication (Public Hearing)  
                      November 1 final language published

**C. Rule Proposed – Eligibility**

Chief State Steward, Mr. Jack Houghton reported that the stewards would like the commission to consider a rule change on eligibility, rule 10.8, as follows:

**Rule: 10.8:**

10.8.1 No horse may be entered or raced that:

10.8.1.6           Is owned wholly or in part by or is trained by an ineligible person.

**Proposed Rule Change:**

10.8.1 No horse may be entered or raced that:

10.8.1.6           No horse may be raced but may be entered if eligible to start by an owner or trainer that is under suspension but whose suspension is over when the race is to run.

**General Discussion on proposed rule change:**

- The horses will be transferred before they run.
- The owner can still enter a horse
- Mr. Mooney – since we draw five days out
- Commissioner Decker – to Mr. Mooney – is this going to be a substantial change? – Answer – No.
- Mr. Vild – if your changing this rule than you have to look at changing the other rule – what other rule – dealing with both the beginning and the ending of the suspension.
- Proposing that if a trainer is going to be suspended and he has horses already entered he may stay entered or the suspension starts the day after the horses run.
- Mr. Houghton – this is a problem with penalties coming from another jurisdiction.
- Is ineligible to enter a horse but the horse is transferred to another trainer.
- Commissioner Decker moved to place on the next commission meeting to allow interested parties to discuss. Secretary/Commissioner Patterson agreed.

**Result:**

The matter is tabled to the next commission meeting, scheduled for August 16, 2011.

5. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director Wayne reported activities during the period January 1 to June 30, 2011.

Total number of persons fingerprinted	77
Total amount of fingerprinting fees collected	\$ 4,582.00
DTRC licenses issued	4,031
Amount of fines collected	\$ 3,430.00
License fees collected	\$131,265.00

B. **Out-of-Competition Testing**

Commissioner Decker inquired as to how out-of-competition testing is performed, including the selection process.

Mr. Houghton replied that the stewards draw pills for the trainers and select 4 trainers each month. Then the chief state steward (Houghton) and the racetrack horse identifier (Gunther) review the horses' papers – if the first trainer isn't present at the racetrack then the second trainer is contacted. 20 horses are selected and tested monthly in this random process.

6. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

A. **Veterinary Health Statistical Report**

**JUNE 2011** Dr. Peters reported for the month of June 2011, 1 death while racing and 0 deaths while training. The one racing death had a broken cannon bone and P1 fracture.

**JULY 1-18, 2011** Dr Peters reported to date for the month of July 2011, 6 deaths total - 3 deaths while racing and 3 deaths while training.

- **3 Racing deaths include:** 1 horse suffering a break of the scapula, 1 horse fractured distal sesamoid in ligaments, and 1 horse dropped during a turf race (that horse has been sent to New Bolton Center).
- **3 Training deaths include:** 1 horse fractured distal sesamoid in ligaments, 1 horse clipped heels in a race held at Delaware Park and suffered a superficial injury of the digital flexor ligament. It was during treatment for that injury that an infection developed in the tendons and the owner decided to cease treatment and horse was subsequently humanely destroyed. The third death involved a two-old that veered away from a banner placed on the rail of the racing surface in which that horse collided with another. In that matter, the two-year old fractured its right scapula and had to be humanely destroyed.

B. **Shockwave Treatments**

74 shockwave treatments have been reported thus far for the current calendar year through June 30, 2011.

C. **Salix (Lasix)**

Dr. Peters continued that there have been 300 approval requests for Salix thus far through June 30, 2011.

Secretary/Commissioner Patterson remarked that there may be renewed interest in the "old" Salix rule to confirm or deny that the horse really bled and asked Dr. Peters to comment. Dr. Peters replied that if the horse bled from the lungs we (the veterinarians) like to see a stream of blood in the trachea. Dr. Peters noted trouble with the "old" rule because horses were supposed to come off the track directly to the test barn – but it was suspected that they were re-routed back to their barn and made to bleed artificially in an effort to fool the veterinarians into thinking that the horse was a "bleeder."

**D. Weather (excessive heat) Procedure**

Dr. Peters and Mr. Mooney discuss the weather when it needs to be discussed. The Stewards shorten the post-parade on hot days.

**7. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION (DTHA)**

**A. Delaware Certified Thoroughbred Program (DCTP)**

**Ms. Gruwell reported through July 18, 2011:**

Total DCTP applications to date:	2683
2011 DCTP horses of racing age:	2501
2-year old horses:	453
3-year old horses:	476
4-year old horses:	373
Older:	1199

**Through June 30, 2011:**

# of Starters:	239
# of Starts:	440
1 <sup>st</sup> Place:	50
2 <sup>nd</sup> Place:	60
3 <sup>rd</sup> Place:	52

25% DCTP Earnings:	\$230,014.86
25% Certifier Awards:	<u>230,014.86</u>
Total Annual Awards:	\$460,029.72

**B. Owner's Day**

Owner's Day is scheduled for September 10, 2011. The golf tournament is scheduled for September 9, 2011 at White Clay Creek Country Club at Delaware Park.

**8. EXECUTIVE SESSION**

At 11:14 a.m., upon a motion duly made (Killeen) and seconded (Patterson) the commission was moved into executive session to discuss legislative matters.

At 11:50 a.m., the commission was returned to public session.

**9. ADJOURN**

At 11:51 a.m., the meeting was adjourned. The commission will meet next on Tuesday, August 16, 2011.